

Calendar No. 506

104TH CONGRESS  
2D Session

**S. 1839**

[Report No. 104-327]

**A BILL**

To authorize appropriations for fiscal year 1997 to the National Aeronautics and Space Administration for human space flight; science, aeronautics, and technology; mission support; and Inspector General; and for other purposes.

JULY 22, 1996

Reported with an amendment

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## IN THE SENATE OF THE UNITED STATES

JUNE 5, 1996

Mr. PRESSLER (for himself, Mr. BURNS, and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JULY 22, 1996

Reported by Mr. PRESSLER, with an amendment

[Omit the part struck through and insert the part printed in *italic*]

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## A BILL

To authorize appropriations for fiscal year 1997 to the National Aeronautics and Space Administration for human space flight; science, aeronautics, and technology; mission support; and Inspector General; and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “National Aeronautics  
3 and Space Administration Authorization Act, Fiscal Year  
4 1997”.

5 **SEC. 2. DEFINITIONS.**

6       For the purposes of this Act—

7           (1) the term “Administrator” means the Ad-  
8 ministrator of the National Aeronautics and Space  
9 Administration; and

10          (2) the term “NASA” means the National Aer-  
11 onautics and Space Administration.

12 **TITLE I—AUTHORIZATION OF APPROPRIATIONS**

13 **SEC. 101. HUMAN SPACE FLIGHT.**

14       The following amounts are authorized to be appro-  
15 priated to NASA for the following programs, which  
16 amounts shall become available October 1, 1996:

17           (1) Space Station, \$1,802,000,000.

18           (2) United States/Russian cooperation,  
19 \$138,200,000.

20           (3) Space Shuttle, \$3,142,600,000.

21           (4) Payload and utilization operations,  
22 \$271,800,000.

23           (5) Construction of facilities relating to such  
24 programs, \$8,300,000, including the following:

25                   (A) Replacement of LC-39 Pad B Chillers  
26 (KSC), \$1,800,000;

1 (B) Restoration of Pad B Fixed Support  
 2 Structure Elevator System (KSC), \$1,500,000,

3 (C) Rehabilitation of 480V Electrical Dis-  
 4 tribution System, Kennedy Space Center, Ex-  
 5 ternal Tank Manufacturing Building (MAF),  
 6 \$2,500,000; and

7 (D) Restoration of High Pressure Indus-  
 8 trial Water Plant, Stennis Space Center,  
 9 \$2,500,000.

10 **SEC. 102. SCIENCE, AERONAUTICS, AND TECHNOLOGY.**

11 The following amounts are authorized to be appro-  
 12 priated to NASA for the following programs, which  
 13 amounts shall become available October 1, 1996:

14 (1) Space science, \$1,797,700,000.

15 (2) Life and microgravity sciences and applica-  
 16 tions, \$498,500,000.

17 (3) Mission to Planet Earth, \$1,402,100,000.

18 (4) Aeronautical research and technology,  
 19 \$857,800,000.

20 (5) Space Access and technology,  
 21 \$683,000,000.

22 (6) Academic programs, \$100,800,000, of  
 23 which \$2,000,000 shall be for the Upper Plains  
 24 States Science Education and Outreach Center.

1           (7)     Mission     communication     services,  
2     \$420,600,000.

3     **SEC. 103. MISSION SUPPORT.**

4     The following amounts are authorized to be appro-  
5     priated to NASA for the following programs, which  
6     amounts shall become available October 1, 1996:

7           (1)     Safety, reliability, and quality assurance,  
8     \$36,700,000.

9           (2)     Space     communication     services,  
10    \$291,400,000.

11          (3)     Construction of facilities (including land ac-  
12    quisition) including the following:

13                 (A)   Modernization of Electrical Distribu-  
14    tion   System,   Ames   Research   Center,  
15    \$2,400,000.

16                 (B)   Modification of Aircraft Ramp and  
17    Tow Way, Dryden Flight Research Center,  
18    \$3,000,000.

19                 (C)   Restoration of Hangar Building 4801,  
20    Dryden Flight Research Center, \$4,500,000.

21                 (D)   Modernization of Secondary Electrical  
22    Systems,   Goddard   Space   Flight   Center,  
23    \$1,500,000.

1 (E) Restoration of Chilled Water Distribu-  
2 tion System, Goddard Space Flight Center,  
3 \$4,000,000.

4 (F) Modification of Refrigeration Systems,  
5 Various Buildings, Jet Propulsion Laboratory,  
6 \$2,800,000.

7 (G) Rehabilitation of Utility Tunnel Struc-  
8 ture and Systems, Johnson Space Center,  
9 \$2,600,000.

10 (H) Rehabilitation of Utility Tunnel Struc-  
11 ture and System, Johnson Space Center,  
12 \$4,400,000.

13 (I) Replacement of DX Units with Central  
14 Chilled Water System, Logistics Facility, Ken-  
15 nedy Space Center, \$1,800,000.

16 (J) Rehabilitation of Central Air Equip-  
17 ment Building, Lewis Research Center,  
18 \$6,500,000.

19 (K) Modification of Chilled Water System,  
20 Marshall Space Flight Center, \$6,700,000.

21 (L) Rehabilitation of Condenser Water sys-  
22 tem, 202/207 Complex, (MAF), \$2,100,000.

23 (M) Minor Revitalization of Facilities at  
24 Various Locations not in excess of \$1,500,000  
25 per project, \$57,900,000.

1 (N) Minor construction of new facilities  
 2 and additions to existing facilities at various lo-  
 3 cations, not in excess of \$1,500,000 per project,  
 4 \$3,400,000.

5 (O) Facility planning and design, not oth-  
 6 erwise provided for, \$18,700,000.

7 (P) Environmental compliance and restora-  
 8 tion, \$33,000,000.  
 9 (4) Research and program management,  
 10 \$2,078,800,000.

11 **SEC. 104. INSPECTOR GENERAL.**

12 There are authorized to be appropriated to NASA for  
 13 its Office of Inspector General, \$17,000,000, which shall  
 14 become available October 1, 1996.

15 TITLE II—LIMITATIONS AND GENERAL  
 16 PROVISIONS

17 **SEC. 201. SPACE STATION LIMITATION.**

18 The aggregate amount authorized to be appropriated  
 19 for Space Station and related activities under sections  
 20 101, 102, and 103 shall not exceed \$2,100,000,000.

21 **SEC. 202. EXPERIMENTAL PROGRAM TO STIMULATE COM-  
 22 PETITIVE RESEARCH.**

23 Of the amounts authorized under section 102 for  
 24 Academic Programs, the Administrator shall allocate at

1 least \$10,000,000 for the Experimental Program to Stim-  
2 ulate Competitive Research.

3 **SEC. 203. RADAR REMOTE SENSING SATELLITES.**

4 (a) FINDINGS.—The Congress finds that—

5 (1) radar satellites represent one of the most  
6 important developments in remote sensing satellite  
7 technology in recent years;

8 (2) the ability of radar satellites to provide  
9 high-quality Earth imagery regardless of cloud cover  
10 and to provide three-dimensional pictures of the  
11 Earth's surface when the satellites are flown in com-  
12 bination dramatically enhance conventional optical  
13 remote sensing satellite capabilities and usefulness;

14 (3) the National Aeronautics and Space Admin-  
15 istration has developed a unique background and ex-  
16 pertise in developing and operating radar satellites  
17 as a result of their activities connected with its  
18 radar satellites, Shuttle Imaging Radar (SIR)-A,  
19 SIR-B, and SIR-C, which has flown twice on the  
20 Space Shuttle;

21 (4) other nations currently have operational  
22 radar satellite systems, including Japan and West-  
23 ern Europe, with other spacefaring nations expected  
24 to develop such systems in the near future; and



1           (5) the development of an operational radar  
2       satellite program at NASA featuring free-flying sat-  
3       ellites and a related ground system is critical to  
4       maintain United States leadership in remote sensing  
5       satellite technology and is important to our national  
6       security and international competitiveness.

7       (b) POLICY.—It is the policy of the United States  
8       that—

9           (1) NASA should develop and operate a radar  
10      satellite program as soon as practicable;

11          (2) NASA should build on the experience and  
12      knowledge gained from its previous radar endeavors;

13          (3) NASA should work with other Federal  
14      agencies and, as appropriate, with other spacefaring  
15      nations, in its radar satellite activities; and

16          (4) NASA should make maximum use of exist-  
17      ing National remote sensing assets such as the  
18      Landsat system, activities connected with the Mis-  
19      sion to Planet Earth, and the data management fa-  
20      cilities of the Department of the Interior in all of its  
21      radar satellite activities.

22       (c) PROGRAM REQUIREMENTS.—NASA shall initiate  
23   a program to develop and operate a radar satellite pro-  
24   gram. The program shall employ the most advanced radar  
25   satellite technology currently commercially available for

1 export. To the maximum extent possible, all of the data  
2 processing, dissemination, and archiving functions shall be  
3 performed by the United States Geological Survey of the  
4 Department of the Interior and the Alaska Synthetic Ap-  
5 erture Radar Facility. The program should be planned in  
6 such a way that the data from the radar satellite system  
7 are converted into a broad range of informational products  
8 with research, commercial, and government applications  
9 and any other applications that are in the public interest  
10 and that such products are distributed over the widest  
11 user community that is practicable, including industry,  
12 academia, research institutions, local and State govern-  
13 ments, and other Federal agencies. The program should  
14 coordinate with, and make appropriate use of, other re-  
15 mote sensing satellite programs, such as the Landsat pro-  
16 gram.

17 (d) PLAN.—Within 90 days after the enactment of  
18 this Act, the Administrator shall submit a detailed plan  
19 for implementation of the radar satellite program to the  
20 Committee on Commerce, Science, and Transportation of  
21 the Senate and the Committee on Science of the House  
22 of Representatives. The plan should include—

- 23 (1) the goals and mission of the program;  
24 (2) planned activities for the next 5 years to  
25 achieve such goals and mission;

1           (3) strategies for maximizing the usefulness of  
2           the satellite data to the scientific and academic com-  
3           munities, the private sector, all levels of government,  
4           and the general public;

5           (4) concepts for integrating the program with  
6           other related NASA activities (such as Mission to  
7           Planet Earth), the Landsat program, and other cur-  
8           rent and emerging remote sensing satellite programs  
9           and activities in the Federal government and all  
10          other public and private sectors so that the program  
11          complements and strengthens such programs and ac-  
12          tivities and is not duplicative of these efforts;

13          (5) concepts developed in consultation with De-  
14          partment of the Interior, for processing, archiving,  
15          and disseminating the satellite data using, to the  
16          maximum extent possible, existing Federal govern-  
17          ment programs and assets at the Department of the  
18          Interior and other Federal agencies;

19          (6) targets and timetables for undertaking spe-  
20          cific activities and actions within the program;

21          (7) a 5-year budget profile for the program;  
22          and

23          (8) a comparison between the program and the  
24          radar satellite programs of other spacefaring na-

1        tions, addressing their respective costs, capabilities,  
2        and other relevant features.

3        (e) AUTHORIZATION.—Of the funds authorized in  
4        section 102 for the Space Access and Technology account,  
5        the Administrator shall allocate at least \$35,000,000 to  
6        the radar satellite program to conduct Phase A and Phase  
7        B studies and any subsequent development and oper-  
8        ational activities.

9        **SEC. 204. RESTRUCTURING OF THE EARTH OBSERVING SYS-**  
10        **TEM DATA AND INFORMATION SYSTEM.**

11        The Administrator is prohibited from restructuring  
12        or downscaling the baseline plan for the Earth Observing  
13        System Data and Information System in place at the time  
14        of the President's budget submission for NASA for fiscal  
15        year 1996 and prohibited from implementing any plan to  
16        transfer data management responsibility from the Data  
17        Active Archiving Centers to other entities unless, 60 days  
18        before undertaking such action, the Administrator has  
19        submitted to the Committee on Commerce, Science, and  
20        Transportation of the Senate and the Committee on  
21        Science of the House of Representatives a written report  
22        containing—

23                (1) a detailed description of the planned agency  
24        action;

1           (2) the reasons and justifications for such ac-  
2       tion;

3           (3) an analysis of the cost impact of such ac-  
4       tion;

5           (4) an analysis of the impact of the action on  
6       the scientific benefits of the program and the effect  
7       of the action on the expected applications of the sat-  
8       ellite data from the System in such areas as global  
9       climate research, land-use planning, state and local  
10      government management, mineral exploration, agri-  
11      culture, forestry, national security, and any other  
12      areas that the Administrator deems appropriate;

13          (5) an analysis of the impact of the action on  
14      the United States Global Climate Change Research  
15      program and international global climate change re-  
16      search activities; and

17          (6) an explanation of what measures, if any,  
18      are planned by NASA to compensate for any likely  
19      reductions in the scientific value and data collection,  
20      processing, and distribution capabilities of the Sys-  
21      tem as a result of the action.

1 **SEC. 205. RURAL AEROSPACE CONSORTIA TO DEVELOP AP-**  
2 **PLICATIONS FOR MISSION TO PLANET EARTH**  
3 **DATA.**

4 (a) HYDROLOGY STUDIES.—The Administrator is au-  
5 thorized to initiate a project to conduct research on the  
6 hydrology of the Upper Missouri River Basin. The project  
7 shall be part of the Mission to Planet Earth program and  
8 shall employ satellite observations, surface-based radar  
9 data, and ground-based hydrological and other scientific  
10 measurements to develop quantitative models that address  
11 complex atmospheric and surface hydrological processes.  
12 If initiated, the project shall be incorporated into NASA's  
13 activities connected with the multiagency Global Energy  
14 and Water Cycle Experiment to understand the inter-  
15 actions between the atmosphere and land surfaces. In im-  
16 plementing the project, NASA shall coordinate and con-  
17 sult with other appropriate federal agencies, including the  
18 Department of Commerce, the Department of the Interior,  
19 and the National Science Foundation. To the maximum  
20 extent possible, NASA shall employ the assistance of uni-  
21 versities, local and State governments, industry, and any  
22 other appropriate entities from the Upper Missouri River  
23 Basin region to carry out this program and the Adminis-  
24 trator is authorized to support the project-related work of  
25 such entities with grants, technical advice, equipment, in-  
26 kind help, and any other type of appropriate assistance.

1 If the project is initiated, then within 90 days after the  
2 enactment of this Act, the Administrator shall submit a  
3 plan for the implementation of this project, which shall  
4 set forth the goals, project costs, planned activities, and  
5 overall strategies for the project, to the Committee on  
6 Commerce, Science, and Transportation of the Senate and  
7 the Committee on Science of the House of Representa-  
8 tives. Of the funds authorized in section 102 for Mission  
9 to Planet Earth, at least \$5,000,000 shall be allocated by  
10 the Administrator to the Upper Missouri River Basin  
11 project.

12 (b) UPPER MIDWEST AEROSPACE CONSORTIUM.—  
13 For fiscal year 1997, there are authorized within the Mis-  
14 sion to Planet Earth account \$5,000,000 for the Upper  
15 Midwest Aerospace Consortium to carry out ongoing and  
16 planned activities to make information derived from Mis-  
17 sion to Planet Earth data available to the general public.

18 **SEC. 206. ACQUISITION OF EARTH REMOTE SENSING DATA.**

19 (a) ACQUISITION.—The Administrator is authorized,  
20 where feasible and cost effective, to make acquisitions of  
21 space-based and airborne Earth remote sensing data, serv-  
22 ices, distribution, and applications provided by the United  
23 States private sector to meet Government goals for Mis-  
24 sion to Planet Earth if such acquisitions fully satisfy the  
25 scientific requirements of NASA.

1 (b) ADMINISTRATION.—This section shall be carried  
2 out as part of the Commercial Remote Sensing Program  
3 at the Stennis Space Center.

4 (c) AVAILABILITY OF FUNDS.—Upon the date of the  
5 enactment of this Act, of the funds available for Mission  
6 to Planet Earth, \$50,000,000 are authorized for the pur-  
7 poses of this section, to remain available until expended.

8 **SEC. 207. SHUTTLE PRIVATIZATION.**

9 (a) IN GENERAL.—The Administrator is hereby di-  
10 rected to conduct a study of the feasibility of implementing  
11 the recommendation of the Independent Shuttle Manage-  
12 ment Review Team that NASA transition towards the pri-  
13 vatization of the Shuttle. The study shall identify, discuss,  
14 and, where possible, present options for resolving, the  
15 major policy and legal issues that must be addressed be-  
16 fore the Shuttle is privatized, including, but not limited  
17 to, the following issues—

18 (1) whether the government or the Shuttle con-  
19 tractor should own the Shuttle orbiters and Shuttle  
20 ground facilities;

21 (2) whether the federal government should in-  
22 demnify the contractor for any third party liability  
23 arising from Shuttle operations, and, if so, under  
24 what terms and conditions;



1           (3) whether commercial payloads should be al-  
2       lowed to be launched on the Shuttle and whether  
3       any classes of payloads should be made ineligible for  
4       launch consideration;

5           (4) whether NASA and federal government pay-  
6       loads should have priority over non-federal govern-  
7       ment payloads in the Shuttle launch assignments  
8       and what policies should be developed to prioritize  
9       among payloads generally;

10          (5) whether the public interest requires that  
11       certain Shuttle functions continue to be performed  
12       by the federal government; and

13          (6) whether privatization of the Shuttle would  
14       produce any significant cost savings and, if so, how  
15       much cost savings.

16       (b) STUDY AND REPORT.—Within 60 days of the en-  
17   actment of this Act, NASA shall complete the study and  
18   shall submit a report on that study to the Committee on  
19   Commerce, Science, and Transportation of the Senate and  
20   the Committee on Science of the House of Representa-  
21   tives.

22   **SEC. 208. USE OF EXISTING FACILITIES.**

23       (a) IN GENERAL.—When the Administrator consid-  
24   ers the purchase, lease, or expansion of a facility to meet  
25   requirements of NASA, the Administrator shall—

1           (1) consider whether there is available to the  
2 Administrator for use for meeting such require-  
3 ments—

4                   (A) any military installation that is closed  
5 or being closed;

6                   (B) any facility at such an installation; or

7                   (C) any other facility, of which the Admin-  
8 istrator is aware, that is—

9                           (i) owned or leased by the United  
10 States for the use of another agency of the  
11 Federal Government; and

12                           (ii) considered by that other agency—

13                                   (I) to be excess to its needs; or

14                                   (II) to be underutilized by it; and

15           (2) in the case of an underutilized facility avail-  
16 able in part for the Administrator's use to meet the  
17 requirements, consider locating the activity for which  
18 a facility is required at the underutilized facility so  
19 as to share the use of the facility with one or more  
20 other agencies of the Federal Government.

21           (b) ADDITION OR EXPANSION.—To the maximum ex-  
22 tent feasible and cost effective (and not inconsistent with  
23 the purposes of the Defense Base Closure and Realign-  
24 ment Act of 1990 (10 U.S.C. 2901 et seq.)), the Adminis-

1 trator shall meet the requirements of NASA for additional  
2 or expanded facilities by using facilities that—

3 (1) are considered, under subsection (a), to be  
4 available to the Administrator for use to meet such  
5 requirements; and

6 (2) meet NASA’s management needs.

7 **SEC. 209. USE OF FUNDS FOR CONSTRUCTION.**

8 (a) **AUTHORIZED USES.**—The Administrator may use  
9 funds appropriated for purposes other than those appro-  
10 priated for—

11 (1) construction of facilities;

12 (2) research and program management, exclud-  
13 ing research operations support; and

14 (3) Inspector General,

15 for the construction of new facilities and additions to, re-  
16 pair of, rehabilitation of, or modification of, existing facili-  
17 ties at any location in support of the purposes for which  
18 such funds are appropriated.

19 (b) **LIMITATION.**—None of the funds used pursuant  
20 to subsection (a) may be expended for a project, the esti-  
21 mated cost of which to the National Aeronautics and  
22 Space Administration, including collateral equipment, ex-  
23 ceeds \$750,000, until 30 days have passed after the Ad-  
24 ministrator has notified the Committee on Science of the  
25 House of Representatives and the Committee on Com-

1 merce, Science, and Transportation of the Senate of the  
2 nature, location, and estimated cost to the National Aero-  
3 nautics and Space Administration of such project.

4 **SEC. 210. CONSTRUCTION OF FACILITIES.**

5 (a) REPROGRAMMING FOR CONSTRUCTION OF FA-  
6 CILITIES.—If the Administrator determines that—

7 (1) new developments in the national program  
8 of aeronautical and space activities have occurred;

9 (2) such developments require the use of addi-  
10 tional funds for the purpose of construction, expan-  
11 sion, or modification of facilities at any location; and

12 (3) deferral of such action until the enactment  
13 of the next National Aeronautics and Space Admin-  
14 istration authorization Act would be inconsistent  
15 with the interest of the Nation in aeronautical and  
16 space sciences;

17 the Administrator may use the amounts authorized for  
18 construction of facilities pursuant to this Act or previous  
19 National Aeronautics and Space Administration author-  
20 ization Acts for such purposes. The amounts may be used  
21 to acquire, construct, convert, rehabilitate, or install tem-  
22 porary or permanent public works, including land acquisi-  
23 tion, site preparation, appurtenances, utilities, and equip-  
24 ment. The Administrator may use such amounts for facil-  
25 ity consolidations, closures, and demolition required to

1 downsize the NASA physical plant to improve operations  
2 and reduce costs.

3 (c) LIMITATIONS.—

4 (1) Amounts appropriated for a construction-of-  
5 facilities project—

6 (A) may be varied upward by 10 percent at  
7 the discretion of the Administrator; or

8 (B) may be varied upward by 25 percent  
9 to meet unusual cost variations after the expi-  
10 ration of 30 days following a report on the cir-  
11 cumstances of such action by the Administrator  
12 to the Committee on Commerce, Science, and  
13 Transportation of the Senate and the Commit-  
14 tee on Science of the House of Representatives.  
15 The aggregate amount authorized to be appro-  
16 priated for construction of facilities shall not be  
17 increased as a result of actions authorized  
18 under this section.

19 (2) No amounts may be obligated for a con-  
20 struction-of-facilities project until a period of 30  
21 days has passed after the Administrator or the Ad-  
22 ministrator's designee has transmitted to the Com-  
23 mittee on Science of the House of Representatives,  
24 and to the Committee on Commerce, Science, and  
25 Transportation of the Senate, a written report de-

1 scribing the nature of the acquisition, construction,  
2 conversion, rehabilitation, or installation, its cost,  
3 and the reasons therefor.

4 (d) TITLE TO FACILITIES.—If funds are used pursu-  
5 ant to subsection (a) for grants to institutions of higher  
6 education, or to nonprofit organizations whose primary  
7 purpose is the conduct of scientific research, for purchase  
8 or construction of additional research facilities, title to  
9 such facilities shall be vested in the United States unless  
10 the Administrator determines that the national program  
11 of aeronautical and space activities will best be served by  
12 vesting title in the grantee institution or organization.  
13 Each such grant shall be made under such conditions as  
14 the Administrator shall determine to be required to ensure  
15 that the United States will receive therefrom benefits ade-  
16 quate to justify the making of that grant.

17 **SEC. 211. AVAILABILITY OF APPROPRIATED AMOUNTS.**

18 To the extent provided in appropriations Acts, appro-  
19 priations authorized under this Act may remain available  
20 without fiscal year limitation.

21 **SEC. 212. CONSIDERATION BY COMMITTEES.**

22 Notwithstanding any other provision of this Act—

23 (1) no amount appropriated pursuant to this  
24 Act may be used for any program deleted by the  
25 Congress from requests as originally made to either

1 the Committee on Science of the House of Rep-  
2 resentatives or the Committee on Commerce,  
3 Science, and Transportation of the Senate; and

4 (2) no amount appropriated pursuant to the  
5 Act may be used for any program in excess of the  
6 amount actually authorized for that particular pro-  
7 gram, excluding construction-of-facility projects,  
8 unless a period of 30 days has passed after the receipt  
9 by such Committee of notice given by the Administrator  
10 or the Administrator's designee containing a full and com-  
11 plete statement of the action proposed to be taken and  
12 the facts and circumstances relied upon in support of the  
13 proposed action. NASA shall keep those Committees fully  
14 and currently informed with respect to all activities and  
15 responsibilities within their jurisdiction. Except as other-  
16 wise provided by law, any Federal department, agency, or  
17 independent establishment shall furnish any information  
18 requested by either such Committee relating to any activ-  
19 ity or responsibility.

20 **SEC. 213. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS**  
21 **OR EXTRAORDINARY EXPENSES.**

22 Funds appropriated under section 103 may be used  
23 for scientific consultations or extraordinary expenses upon  
24 the authority of the Administrator, but not to exceed  
25 \$35,000.

1 **SEC. 214. REPORTING REQUIREMENTS.**

2 (a) ELIMINATION OF REPORT.—Section 206 of the  
3 National Aeronautics and Space Act of 1958 (42 U.S.C.  
4 2476) is repealed.

5 (b) PROTECTION OF COMMERCIALY VALUABLE IN-  
6 FORMATION.—Section 303 of the National Aeronautics  
7 and Space Act of 1958 (42 U.S.C. 2454) is amended by  
8 adding at the end the following:

9 “(c)(1) The Administrator may delay, for a period  
10 not to exceed 5 years, the unrestricted public disclosure  
11 of technical data, related to a competitively sensitive tech-  
12 nology, in the possession of, or under the control of, the  
13 Administration that has been generated in the perform-  
14 ance of experimental, developmental, or research activities  
15 or programs conducted by, or funded in whole or in part  
16 by, the Administration, if the technical data has signifi-  
17 cant value in maintaining leadership or competitiveness,  
18 in civil and governmental aeronautical and space activities  
19 by the United States industrial base.

20 “(2) The Administrator shall publish biannually in  
21 the Federal Register a list of all competitively sensitive  
22 technology areas which it believes have a significant value  
23 in maintaining the United States leadership or competi-  
24 tiveness in civil and governmental aeronautical and space  
25 activities. The list shall be generated after consultation



1 with appropriate Government agencies and a diverse cross  
2 section of companies—

3 “(A) that conduct a significant level of re-  
4 search, development, engineering, and manufactur-  
5 ing in the United States; and

6 “(B) the majority ownership or control of which  
7 is held by United States citizens.

8 “(3) The Administrator shall provide an opportunity  
9 for written objections to the list within a 60-day period  
10 after it is published. After the expiration of that 60-day  
11 period, and after consideration of all written objections re-  
12 ceived by the Administrator during that period, NASA  
13 shall issue a final list of competitively sensitive technology  
14 areas.

15 “(4) For purposes of this subsection, the term ‘tech-  
16 nical data’ means any recorded information, including  
17 computer software, that is or may be directly applicable  
18 to the design, engineering, development, production, man-  
19 ufacture, or operation of products or processes that may  
20 have significant value in maintaining leadership or com-  
21 petitiveness in civil and governmental aeronautical and  
22 space activities by the United States industrial base.”.

23 **SEC. 215. INDEPENDENT RESEARCH AND DEVELOPMENT.**

24 The Congress finds that it is appropriate for costs  
25 contributed by a contractor under a cooperative agreement

1 with the National Aeronautics and Space Administration  
 2 to be considered as allowable independent research and de-  
 3 velopment costs, for purposes of section 31.205-18 of the  
 4 Federal Acquisition Regulations if the work performed  
 5 would have been allowable as contractor independent re-  
 6 search and development costs had there been no coopera-  
 7 tive agreement. The Administration shall seek a revision  
 8 to that section of the Federal Acquisition Regulations to  
 9 reflect the intent of the Congress expressed in the preced-  
 10 ing sentence.

11 **SEC. 216. REDUCTION OR SUSPENSION OF CONTRACT PAY-**  
 12 **MENTS BASED ON SUBSTANTIAL EVIDENCE**  
 13 **OF FRAUD.**

14 Section 2307(h)(8) of title 10, United States Code,  
 15 is amended by striking “and (4)” and inserting “(4), and  
 16 (6)”.

17 **SEC. 217. EDUCATIONAL ACTIVITIES.**

18 *The Administrator shall transmit to Congress, no later*  
 19 *than July 31, 1997, a strategic plan for National Aero-*  
 20 *navitics and Space Administration educational activities*  
 21 *based on the human exploration and development of space*  
 22 *and specifically the International Space Station program.*  
 23 *The plan shall describe principles, goals, objectives, specific*  
 24 *initiatives, and specific educational communities with*  
 25 *which the Administrator proposes to work.*

1           TITLE III—EMPLOYMENT REDUCTION  
2                           ASSISTANCE

3 **SEC. 301. SHORT TITLE.**

4           This title may be cited as the “National Aeronautics  
5 and Space Administration Federal Employment Reduction  
6 Assistance Act of 1996”.

7 **SEC. 302. DEFINITIONS.**

8           For purpose of this title—

9                   (1) EMPLOYEE.—The term “employee” means  
10           an employee of the National Aeronautics and Space  
11           Administration serving under an appointment with-  
12           out time limitation, who has been currently em-  
13           ployed with NASA for a continuous period of at  
14           least 12 months, except that such term does not in-  
15           clude—

16                   (1) a reemployed annuitant under subchapter  
17           III of chapter 83 or chapter 84 of title 5, United  
18           States Code, or another retirement system for em-  
19           ployees of the Government;

20                   (2) an employee who is in receipt of a specific  
21           notice of involuntary separation for misconduct or  
22           unacceptable performance;

23                   (3) an employee who, upon completing an addi-  
24           tional period of service as referred to in section  
25           3(b)(2)(B)(ii) of the Federal Workforce Restructur-

1       ing Act of 1994 (Public Law 103-226; 108 Stat.  
2       111), would qualify for a voluntary separation incen-  
3       tive payment under section 3 of such Act; or

4               (4) an employee who has previously received  
5       any voluntary separation incentive payment by the  
6       Federal Government under this title or any other  
7       authority and has not repaid such payment.

8               (2) EMPLOYMENT.—The term “employment”—

9               ((A) includes employment of any length or  
10       under any type of appointment, but does not in-  
11       clude employment that is without compensation;  
12       and

13               (B) includes employment under a personal  
14       services contract.

15   **SEC. 303. INCENTIVE PAYMENT PROGRAM.**

16       In order to avoid or minimize the need for involuntary  
17       separations due to a reduction in force, installation clo-  
18       sure, reorganization, transfer of function, or other similar  
19       action affecting the National Aeronautics and Space Ad-  
20       ministration, the Administrator shall establish a program  
21       under which separation pay, subject to the availability of  
22       appropriated funds, may be offered to encourage eligible  
23       employees to separate from service voluntarily (whether by  
24       retirement or resignation).

1 **SEC. 304. INCENTIVE PAYMENTS.**

2 In order to receive a voluntary separation incentive  
3 payment, an employee must separate voluntarily (whether  
4 by retirement or resignation) during the period of time  
5 for which the payment of incentives has been authorized  
6 for the employee under the agency plan. Such separation  
7 payments—

8 (1) shall be paid in a lump sum after the em-  
9 ployee's separation, and

10 (2) shall be equal to the lesser of—

11 (A) an amount equal to the amount the  
12 employees would be entitled to receive under  
13 section 5595(c) of title 5, United States Code,  
14 if the employee were entitled to payment under  
15 such section; or

16 (B) \$25,000;

17 (3) shall not be a basis for payment, and shall  
18 not be included in the computation, of any other  
19 type of Government benefit;

20 (4) shall not be taken into account for purposes  
21 of determining the amount of any severance pay to  
22 which an individual may be entitled under section  
23 5595 of title 5, United States Code, based on any  
24 other separation;

25 (5) shall be considered payment for a voluntary  
26 separation; and

1           (6) shall be paid from the appropriations or  
2       funds available for payment of the basic pay of the  
3       employee.

4 **SEC. 305. EFFECT OF SUBSEQUENT EMPLOYMENT WITH**  
5 **THE GOVERNMENT.**

6       (a) GENERAL RULE.—An individual who has received  
7 a voluntary separation incentive payment under this sec-  
8 tion and accepts any employment with the Government of  
9 the United States within 5 years after the date of the sep-  
10 aration on which the payment is based shall be required  
11 to repay, prior to the individual's first day of employment,  
12 the entire amount of the incentive payment to NASA.

13       (b) EXECUTIVE BRANCH WAIVER.—If the employ-  
14 ment under subsection (a) is with an Executive agency (as  
15 defined by section 105 of title 5, United States Code), the  
16 United States Postal Service, or the Postal Rate Commis-  
17 sion, the Director of the Office of Personnel Management  
18 may, at the request of the head of the agency, waive the  
19 repayment if the individual involved possesses unique abili-  
20 ties and is the only qualified applicant available for the  
21 position.

22       (c) LEGISLATIVE BRANCH WAIVER.—If the employ-  
23 ment under subsection (a) is with an entity in the legisla-  
24 tive branch, the head of the entity or the appointing offi-  
25 cial may waive the repayment if the individual involved

1 possesses unique abilities and is the only qualified appli-  
2 cant available for the position.

3 (d) JUDICIAL BRANCH WAIVER.—If the employment  
4 under subsection (a) is with the judicial branch, the Direc-  
5 tor of the Administrative Office of the United States  
6 Courts may waive the repayment if the individual in-  
7 volved possesses unique abilities and is the only qualified  
8 applicant available for the position.

9 **SEC. 306. EFFECT OF SUBSEQUENT DISABILITY RETIRE-**  
10 **MENT.**

11 An employee who has received an incentive payment  
12 is ineligible to receive an annuity for reasons of disability  
13 under applicable regulations, unless the incentive payment  
14 is repaid.

15 **SEC. 307. ADDITIONAL AGENCY CONTRIBUTIONS TO THE**  
16 **RETIREMENT FUND.**

17 (a) PERCENTAGE OF FINAL BASIC PAY.—In addition  
18 to any other payments which it is required to make under  
19 subchapter III of chapter 83 or chapter 84 of title 5, Unit-  
20 ed States Code, NASA shall remit to the Office of Person-  
21 nel Management for deposit in the Treasury of the United  
22 States to the credit of the Civil Service Retirement and  
23 Disability Fund an amount equal to 15 percent of the final  
24 basic pay of each employee who is covered under sub-  
25 chapter III of chapter 83 or chapter 84 of title 5 to whom

1 a voluntary separation incentive has been paid under this  
2 title.

3 (b) FINAL BASIC PAY DEFINED.—For the purpose  
4 of this section, the term “final basic pay”, with respect  
5 to an employee, means the total amount of basic pay which  
6 would be payable for a year of service by such employee,  
7 computed using the employee’s final rate of basic pay,  
8 and, if last serving on other than a full time basis, with  
9 appropriate adjustment therefor.

10 **SEC. 308. REDUCTION OF AGENCY EMPLOYMENT LEVELS.**

11 (a) REDUCTION OF EMPLOYMENT.—Total full time  
12 equivalent employment of NASA shall be reduced by one  
13 for each separation of an employee who receives a vol-  
14 untary separation incentive payment under this title. The  
15 reduction will be calculated by comparing the agency’s full  
16 time equivalent employment for the fiscal year in which  
17 the voluntary separation payments are made with the ac-  
18 tual full time equivalent employment for the prior fiscal  
19 year.

20 (b) ENFORCEMENT.—The Office of Management and  
21 Budget shall monitor and take appropriate action nec-  
22 essary to ensure that the requirements of this section are  
23 met.

24 (c) LIMITATION.—The President shall take appro-  
25 priate action to ensure that functions involving more than



1 10 full time equivalent employees are not converted to con-  
 2 tracts by reason of this section, except in cases in which  
 3 a cost comparison demonstrates such contracts would be  
 4 to the advantage of the Government.

5 (d) WAIVER.—The provisions of subsections (a) and  
 6 (c) of this section may be waived upon a determination  
 7 by the President that—

8 (1) the existence of a state of war or other na-  
 9 tional emergency so requires; or

10 (2) the existence of an extraordinary emergency  
 11 which threatens life, health, safety, property, or the  
 12 environment so requires.

13 **SEC. 309. REPORTS.**

14 No later than March 31 of each fiscal year, NASA  
 15 shall submit to the Office of Personnel Management, for  
 16 transmission to the Committee on Commerce, Science, and  
 17 Transportation, and the Committee on Governmental Af-  
 18 fairs, of the Senate and the Committee on Commerce, and  
 19 the Committee on Government Reform and Oversight of  
 20 the House of Representatives, a report which, with respect  
 21 to the preceding fiscal year, shall include—

22 (1) the number of employees who received vol-  
 23 untary separation incentives;

24 (2) the average amount of such incentives; and

1           (3) the average grade or pay level of the em-  
 2       ployees who received incentives.

3 **SEC. 310. EFFECTIVE DATE.**

4       (a) IN GENERAL.—The provisions of this title shall  
 5 take effect on the date of enactment of this Act.

6       (b) TERMINATION.—No voluntary separation incen-  
 7 tive under this title may be paid based on the separation  
 8 of an employee after September 30, 2000.

9 **TITLE IV—COMMERCIAL SPACE LAUNCH ACT**

10 **AMENDMENTS**

11 **SEC. 401. AMENDMENT OF TITLE 49.**

12       Except as otherwise expressly provided, whenever in  
 13 this title an amendment or repeal is expressed in terms  
 14 of an amendment to, or repeal of, a section or other provi-  
 15 sion, the reference shall be considered to be made to a  
 16 section or other provision of title 49, United States Code.

17 **SEC. 402. AMENDMENT OF SECTION 70101.**

18       Section 70101 (relating to findings and purposes) is  
 19 amended—

20           (1) by inserting “microgravity research,” after  
 21 “information services,” in subsection (a)(3);

22           (2) by inserting “commercial space transpor-  
 23 tation services, including in-space transportation ac-  
 24 tivities and” after “providing” in subsection (a)(4);

1           (3) by striking “commercial launch vehicles” in  
2           subsection (a)(5) and inserting “commercial space  
3           transportation including commercial launch vehicles,  
4           in-space transportation activities, reentry vehicles,”;

5           (4) by striking “launch” in subsection (a)(6)  
6           and inserting “launch, in-space transportation, and  
7           reentry”;

8           (5) by striking “launches” each place it appears  
9           in subsection (a)(7) and inserting “launches, in-  
10          space transportation activities, reentries” after ;

11          (6) by striking “sites and complementary facili-  
12          ties, the providing of launch” in subsection (a)(8)  
13          and inserting “sites, in-space transportation control  
14          sites, reentry sites, and complementary facilities, the  
15          providing of launch, in-space transportation, and re-  
16          entry”;

17          (7) by inserting “in-space transportation con-  
18          trol sites, reentry sites,” after “launch sites,” in  
19          subsection (a)(9);

20          (8) by striking “launch vehicles” in subsection  
21          (b)(2) and inserting “commercial space transpor-  
22          tation services, including launch vehicles, in-space  
23          transportation activities, reentry vehicles,”;

1           (9) by striking “launch” the first place it ap-  
 2           pears in subsection (b)(3) and inserting “launch, in-  
 3           space transportation vehicle, and reentry”;

4           (10) by striking “commercial launch” the sec-  
 5           ond place it appears in subsection (b)(3); and

6           (11) by inserting “in-space transportation vehi-  
 7           cle control facilities, and development of reentry  
 8           sites” after “facilities,” in subsection (b)(4).

9   **SEC. 403. AMENDMENT OF SECTION 70102.**

10       Section 70102 (relating to definitions) is amended—

11           (1) by inserting “from Earth, including a re-  
 12           entry vehicle and its payload, if any” after “and any  
 13           payload” in paragraph (3);

14           (2) by striking “object” the first place it ap-  
 15           pears in paragraph (8) and inserting “object, includ-  
 16           ing a reentry vehicle and its payload, if any,”;

17           (3) by redesignating paragraphs (9) through  
 18           (12) as paragraphs (16) through (19), respectively;

19           (4) by inserting after paragraph (8) the follow-  
 20           ing:

21           “(9) ‘in-space transportation vehicle’ means any  
 22           vehicle designed to operate in space and designed to  
 23           transport any payload or object substantially intact  
 24           from one orbit to another orbit.

1           “(10) ‘in-space transportation services’

2       means—

3           “(A) those activities involved in the direct  
4       transportation or attempted transportation of a  
5       payload or object from one orbit to another;

6           “(B) the procedures, actions, and activities  
7       necessary for conduct of those transportation  
8       services; and

9           “(C) the conduct of transportation serv-  
10      ices.

11          “(11) ‘in-space transportation control site’  
12      means a location from which an in-space transpor-  
13      tation vehicle is controlled or operated (as such  
14      terms may be defined in any license the Secretary is-  
15      sues or transfers under this chapter).

16          “(12) ‘reenter’ and ‘reentry’ mean to return  
17      purposefully, or attempt to return, a reentry vehicle  
18      and payload, if any, from Earth orbit or outer space  
19      to Earth.

20          “(13) ‘reentry services’ means—

21           “(A) activities involved in the preparation  
22      of a reentry vehicle and its payload, if any, for  
23      reentry; and

24           “(B) the conduct of a reentry.

1           “(14) ‘reentry site’ means the location on  
 2           Earth to which a reentry vehicle is intended to  
 3           return (as defined in a license the Secretary is-  
 4           sues or transfers under this chapter).

5           “(15) ‘reentry vehicle’ means any vehicle de-  
 6           signed to return substantially intact from Earth  
 7           orbit or outer space to Earth.”;

8           (5) by striking “launch” each place it appears  
 9           in paragraph (18), as redesignated and inserting  
 10          “launch services, in-space transportation activities,  
 11          or reentry”.

12 **SEC. 404. AMENDMENT OF SECTION 70103.**

13          Section 70103(b) (relating to facilitating commercial  
 14          launches) is amended—

15               (1) by striking “LAUNCHES” in the caption and  
 16               inserting “SPACE ACTIVITIES”;

17               (2) by striking “commercial space launches” in  
 18               paragraph (1) and inserting “commercial space  
 19               transportation services”; and

20               (3) by striking “a space launch” in subsection  
 21               (b)(2) and inserting “space transportation”.

22 **SEC. 405. AMENDMENT OF SECTION 70104.**

23          Section 70104 (relating to restrictions on launches  
 24          and operations) is amended—

1 (1) by striking the section caption and inserting  
 2 the following:

3 **“Restrictions on launches, in-space transportation**  
 4 **activities, operations, and reentries”;**

5 (2) by striking “site” each place it appears in  
 6 subsection (a) and inserting “site, an in-space trans-  
 7 portation operations site, reentry site, or reenter a  
 8 reentry vehicle,”;

9 (3) by striking “launch or operation” in sub-  
 10 sections (a) (3) and (4) and inserting “launch, in-  
 11 space transportation activity, or reentry operation”;

12 (4) by striking subsection (b) and inserting the  
 13 following:

14 “(b) COMPLIANCE WITH PAYLOAD REQUIRE-  
 15 MENTS.—The holder of a license under this chapter may  
 16 launch a payload, operate an in-space transportation vehi-  
 17 cle, or reenter a payload only if the payload or vehicle com-  
 18 plies with all requirements of the laws of the United States  
 19 related to launching a payload, operating an in-space  
 20 transportation vehicle, or reentering a payload.”;

21 (5) by striking the caption of subsection (c) and  
 22 inserting the following: “(c) PREVENTING  
 23 LAUNCHES, IN-SPACE TRANSPORTATION ACTIVITIES,  
 24 OR REENTRIES.—”; and

1           (6) by striking “launch” each place it appears  
 2           in subsection (c) and inserting “launch, in-space  
 3           transportation activity, or reentry”.

4   **SEC. 406. AMENDMENT OF SECTION 70105.**

5           Section 70105 (relating to license applications and  
 6           requirements) is amended—

7           (1) by striking “site” in subsection (b)(1) and  
 8           inserting “site, an in-space transportation control  
 9           site, or a reentry site or the reentry of a reentry ve-  
 10          hicle,”; and

11          (2) by striking “or operation” and inserting in  
 12          lieu thereof “, in-space transportation activity, oper-  
 13          ation, or reentry” in subsection (b)(2)(A).

14   **SEC. 407. AMENDMENT OF SECTION 70106.**

15          Section 70106(a) (relating to monitoring activities  
 16          general requirements) is amended—

17          (1) by striking “launch site” and inserting  
 18          “launch site, in-space transportation control site, or  
 19          reentry site”;

20          (2) by inserting “in-space transportation vehi-  
 21          cle, or reentry vehicle,” after “launch vehicle,” and

22          (3) by striking “vehicle.” and inserting “vehicle,  
 23          in-space transportation vehicle, or reentry vehicle.”.



1 **SEC. 408. AMENDMENT OF SECTION 70108.**

2 Section 70108 (relating to prohibition, suspension,  
3 and end of launches and operation of launch sites) is  
4 amended—

5 (1) by striking the section caption and inserting  
6 the following:

7 **“Prohibition, suspension, and end of launches, in-**  
8 **space transportation activities, reentries,**  
9 **or operation of launch sites, in-space**  
10 **transportation control sites, or reentry**  
11 **sites”;**

12 and

13 (2) by striking “site” in subsection (a) and in-  
14 serting “site, in-space transportation control site, in-  
15 space transportation activity, or reentry site, or re-  
16 entry of a reentry vehicle,”; and

17 (3) by striking “launch or operation” in sub-  
18 section (a) and inserting “launch, in-space transpor-  
19 tation activity, operation, or reentry”.

20 **SEC. 409. AMENDMENT OF SECTION 70109.**

21 (a) CAPTION.—The section caption of section 70109  
22 (relating to preemption of scheduled launches) is amended  
23 to read as follows:

1 **“Preemption of scheduled launches, in-space trans-**  
 2 **portation activities, or reentries”.**

3 (b) AMENDMENT OF SUBSECTION (a).—Subsection  
 4 (a) is amended—

5 (1) by inserting “or reentry” after “ensure that  
 6 a launch”;

7 (2) by striking “site” in the first sentence and  
 8 inserting “site, reentry site,”;

9 (3) by inserting “nor shall an in-space trans-  
 10 portation activity or operation be preempted,” after  
 11 “launch property,” in the first sentence;

12 (4) by inserting “or reentry date commitment”  
 13 after “launch date commitment”;

14 (5) by inserting “or reentry” after “obtained  
 15 for a launch”;

16 (6) by striking “site” in the second sentence  
 17 and inserting “site, reentry site,”;

18 (7) by striking “services” in the second sen-  
 19 tence and inserting “services, or services related to  
 20 a reentry,”;

21 (8) by inserting “or reentry” after “the sched-  
 22 uled launch”; and

23 (9) by adding at the end thereof the following:  
 24 “A licensee or transferee preempted from access to  
 25 a reentry site does not have to pay the Government  
 26 agency responsible for the preemption any amount

1 for reentry services attributable only to the sched-  
 2 uled reentry prevented by the preemption.”.

3 (c) AMENDMENT OF SUBSECTION (c).—Subsection  
 4 (c) is amended by inserting “or reentry” after “prompt  
 5 launching” in subsection (c).

6 **SEC. 410. AMENDMENT OF SECTION 70110.**

7 Section 70110 (relating to administrative hearings  
 8 and judicial review) is amended—

9 (1) by striking “launch” in subsection (a)(2)  
 10 and inserting “launch, in-space transportation activ-  
 11 ity, or reentry”; and

12 (B) by striking “site” in subsection  
 13 (a)(3)(B) and inserting “site, in-space transpor-  
 14 tation control site, in-space transportation ac-  
 15 tivity, reentry site, or reentry of a reentry vehi-  
 16 cle,”.

17 **SEC. 411. AMENDMENT OF SECTION 70111.**

18 Section 70111 (relating to acquiring United States  
 19 Government property and services) is amended—

20 (1) by inserting “in-space transportation activi-  
 21 ties, or reentry services” after “launch services,” in  
 22 subsection (a)(1)(B);

23 (2) by striking “services” in subsection (a)(2)  
 24 and inserting “services, in-space transportation ac-  
 25 tivities, or reentry services”;

1           (3) by inserting “or reentry” after “launch” in  
2       subsection (a)(2)(A);

3           (4) by inserting “or reentry” after “launch” the  
4       first place it appears in subsection (a)(2)(B);

5           (5) by striking “launch” each place it appears  
6       in subsection (b)(1) and inserting “launch, in-space  
7       transportation activity, or reentry”;

8           (6) by striking “services” the first place it ap-  
9       pears in subsection (b)(2)(C) and inserting “serv-  
10      ices, in-space transportation activities or services, or  
11      reentry services”; and

12          (6) by striking subsection (d) and inserting the  
13      following:

14      “(d) COLLECTION BY OTHER GOVERNMENTAL  
15      HEADS.—The head of a department, agency, or instru-  
16      mentality of the Government may collect a payment for  
17      any activity involved in producing a launch vehicle, in-  
18      space transportation vehicle, or reentry vehicle or its pay-  
19      load for launch, in-space transportation activity, or re-  
20      entry if the activity was agreed to by the owner or manu-  
21      facturer of the launch vehicle, in-space transportation ve-  
22      hicle, reentry vehicle, or payload.”.

23      **SEC. 412. AMENDMENT OF SECTION 70112.**

24      Section 70112 (relating to liability insurance and fi-  
25      nancial responsibility requirements) is amended—

1           (1) by inserting “one reentry, or to the oper-  
 2           ations of each in-space transportation vehicle” after  
 3           “launch,” in subsection (a)(3);

4           (2) by inserting “in-space transportation activi-  
 5           ties, or reentry services,” after “launch services,”  
 6           each place it appears in subsections (a)(4) and  
 7           (b)(2);

8           (3) by striking “services” in subsection (b)(1)  
 9           and the third place it appears in subsection (b)(2)  
 10          and inserting “services, in-space transportation ac-  
 11          tivities, or reentry services,”;

12          (3) by inserting “applicable” after “carried out  
 13          under the” in subsections (b)(1) and (2);

14          (4) by striking “Science, Space, and Tech-  
 15          nology” in subsection (d) and inserting “Science”;

16          (5) by striking “LAUNCHES” in the caption of  
 17          subsection (e) and inserting “LAUNCHES, IN-SPACE  
 18          TRANSPORTATION ACTIVITIES, OR REENTRIES”; and

19          (6) by striking “site” in subsection (e) and in-  
 20          serting “site, in-space transportation control site, or  
 21          control of an in-space transportation vehicle or activ-  
 22          ity, or reentry site or a reentry”.

23 **SEC. 413. AMENDMENT OF SECTION 70113.**

24          Section 70113 (relating to paying claims exceeding  
 25          liability insurance and financial responsibility require-

ments) is amended by striking “launch” each place it appears in subsections (a)(1), (d)(1), and (d)(2) and inserting “launch, operation of one in-space transportation vehicle, or one reentry”.

**SEC. 414. AMENDMENT OF SECTION 70115.**

Section 70115(b)(1)(D)(i) (relating to enforcement and penalty general authority) is amended—

(1) by inserting “in-space transportation control site, or reentry site,” after “launch site,”;

(2) by inserting “in-space transportation vehicle, or reentry vehicle” after “launch vehicle,”; and

(3) by striking “vehicle” the second place it appears and inserting “vehicle, in-space transportation vehicle, or reentry vehicle”.

**SEC. 415. AMENDMENT OF SECTION 70117.**

Section 70117 (relating to relationship to other executive agencies, laws, and international obligations) is amended—

(1) by striking “vehicle or operate a launch site.” in subsection (a) and inserting “vehicle, operate a launch site, perform in-space transportation activities or operate an in-space transportation control site or reentry site, or reenter a reentry vehicle.”;

1           (2) by striking “launch” in subsection (d) and  
 2           inserting “launch, perform an in-space transpor-  
 3           tation activity, or reentry”;

4           (3) by striking subsections (f) and (g), and in-  
 5           serting the following:

6           “(f) LAUNCH NOT AN EXPORT OR IMPORT.—A  
 7           launch vehicle, reentry vehicle, or payload that is launched  
 8           or reentered is not, because of the launch or reentry, an  
 9           export or import for purposes of a law controlling exports  
 10          or imports.

11          “(g) NONAPPLICATION.—This chapter does not apply  
 12          to—

13               “(1) a launch, in-space transportation activity,  
 14               reentry, operation of a launch vehicle, in-space  
 15               transportation vehicle, or reentry vehicle, or of a  
 16               launch site, in-space transportation control site, or  
 17               reentry site, or other space activity the Government  
 18               carries out for the Government; or

19               “(2) planning or policies related to the launch,  
 20               in-space transportation activity, reentry, or oper-  
 21               ation.”.

22   **SEC. 416. REPORT TO CONGRESS.**

23          Chapter 701 is amended by adding at the end thereof  
 24          the following new section:

1 **“§ 70120. Report to Congress**

2 “The Secretary of Transportation shall submit to  
3 Congress an annual report to accompany the President’s  
4 budget request that—

5 “(1) describes all activities undertaken under  
6 this chapter, including a description of the process  
7 for the application for and approval of licenses under  
8 this chapter and recommendations for legislation  
9 that may further commercial launches and reentries;  
10 and

11 “(2) reviews the performance of the regulatory  
12 activities and the effectiveness of the Office of Com-  
13 mercial Space Transportation.”.

14 **SEC. 417. AMENDMENT OF TABLE OF SECTIONS.**

15 The table of sections for chapter 701 of title 49,  
16 United States Code, is amended—

17 (1) by amending the item relating to section  
18 70104 to read as follows:

“70104. Restrictions on launches, in-space transportation activities, operations,  
and reentries”;

19 (2) by amending the item relating to section  
20 70108 to read as follows:

“70108. Prohibition, suspension, and end of launches, in-space transportation  
activities, reentries, or operation of launch sites, in-space trans-  
portation control sites, or reentry sites”;

21 (3) by amending the item relating to section  
22 70109 to read as follows:



“70109. Preemption of scheduled launches, in-space transportation activities, or reentries”;

1           and

2                   (4) by adding at the end the following new  
3           item:

“70120. Report to Congress”.

4   **SEC. 418. REGULATIONS.**

5           The Secretary of Transportation shall issue regula-  
6   tions under chapter 701 of title 49, United States Code,  
7   that include—

8                   (1) guidelines for industry to obtain sufficient  
9           insurance coverage for potential damages to third  
10          parties;

11                   (2) procedures for requesting and obtaining li-  
12          censes to operate a commercial launch vehicle and  
13          reentry vehicle;

14                   (3) procedures for requesting and obtaining op-  
15          erator licenses for launch and reentry; and

16                   (4) procedures for the application of govern-  
17          ment indemnification.

18   **SEC. 419. SPACE ADVERTISING.**

19           (a) DEFINITION.—Section 70102, as amended by sec-  
20   tion 303, is amended by redesignating paragraphs (12)  
21   through (19) as (13) through (20), respectively, and by  
22   inserting after paragraph (11) the following new para-  
23   graph:

1           “(12) ‘obtrusive space advertising’ means ad-  
 2           vertising in outer space that is capable of being rec-  
 3           ognized by a human being on the surface of the  
 4           earth without the aid of a telescope or other techno-  
 5           logical device;”.

6           (b) PROHIBITION.—Chapter 701 is amended by in-  
 7           serting after section 70109 the following new section:

8   **“§ 70109a. Space advertising**

9           “(a) LICENSING.—Notwithstanding the provisions of  
 10          this chapter or any other provision of law, the Secretary  
 11          shall not—

12                 “(1) issue or transfer a license under this chap-  
 13                 ter; or

14                 “(2) waive the license requirements of this  
 15                 chapter;

16          for the launch of a payload containing any material to be  
 17          used for the purposes of obtrusive space advertising.

18          “(b) LAUNCHING.—No holder of a license under this  
 19          chapter may launch a payload containing any material to  
 20          be used for purposes of obtrusive space advertising on or  
 21          after the date of enactment of the National Aeronautics  
 22          and Space Administration Authorization Act, Fiscal Year  
 23          1996.

24          “(c) COMMERCIAL SPACE ADVERTISING.—Nothing in  
 25          this section shall apply to nonobtrusive commercial space

1 advertising, including advertising on commercial space  
 2 transportation vehicles, space infrastructure, payloads,  
 3 space launch facilities, and launch support facilities.”.

4 (c) NEGOTIATION WITH FOREIGN LAUNCHING NA-  
 5 TIONS.—

6 (1) The President is requested to negotiate with  
 7 foreign launching nations for the purpose of reach-  
 8 ing an agreement or agreements that prohibit the  
 9 use of outer space for obtrusive space advertising  
 10 purposes.

11 (2) It is the sense of Congress that the Presi-  
 12 dent should take such action as is appropriate and  
 13 feasible to enforce the terms of any agreement to  
 14 prohibit the use of outer space for obtrusive space  
 15 advertising purposes.

16 (3) As used in this subsection, the term “for-  
 17 eign launching nation” means a nation—

18 (A) which launches, or procures the  
 19 launching of, a payload into outer space; or

20 (B) from whose territory or facility a pay-  
 21 load is launched into outer space.

22 (d) CLERICAL AMENDMENT.—The table of sections  
 23 for chapter 701 is amended by inserting the following  
 24 after the item relating to section 70109:

“70109a. Space advertising”.